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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/240,975	01/29/1999	NAOKI MITSUISHI	HIT-2-010-1-	8031
24956	7590	04/14/2005	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			BRAGDON, REGINALD GLENWOOD	
			ART UNIT	PAPER NUMBER
			2188	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/240,975

Applicant(s)

MITSUISHI, NAOKI

Examiner

Reginald G. Bragdon

Art Unit

2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 31-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 31-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

3. As per claim 31, in lines 18-21, Applicant sets forth that the first program (i.e. the program executing on the EEPROM or user program in the specification) includes an instruction which changes a process of the CPU to a process that controls writing of EEPROM using the using the second program (i.e. the write control program) stored in the second memory.

In the specification this process is set forth generally at page 6 (lines 10-12) where a program controlling execution of the CPU is transferred to mask ROM 3 by a call instruction at the time of a write operation. This call instruction can be written into the EEPROM 4 (instead of including the entire write control program in the EEPROM). See page 6, lines 15-17. Figure 5 further explains this process where in step S1 to preserve data Dx (emphasis added) in the EEPROM (see page 7, last paragraph). It is noted that there is no discussion at this point of writing any portion of the actual "first program", only writing of data.

At page 9, starting at the second full paragraph, Applicant sets forth that the user program (“first program”) can be directly written from outside. In describing the process of writing the actual user program (i.e. not the writing of data Dx), there is no mention of a call instruction. Instead it is described (on page 9, second full paragraph) how the CPU is stopped by an external control to effect the writing of the user program.

Applicant’s claim 31 sets forth that the write control circuit performs writing of the first program or the data to the ROM using the CPU (lines 7-9). Lines 18-21, Applicant sets forth that the first program (i.e. the program executing on the EEPROM or user program in the specification) includes an instruction which changes a process of the CPU to a process that controls writing of EEPROM using the using the second program (i.e. the write control program) stored in the second memory. This limitation is not specific to as to whether the writing to the ROM is for the first program or the data and therefore covers writing the first program or the data. However, *Applicant does not have support for writing the first program to the ROM using an instruction which changes a process of the CPU to a process that controls a writing of the ROM based on the second program, the instruction included in the first program.*

All dependent claims are rejected as having the same deficiencies as the claims they depend from.

#### ***Response to Arguments***

4. Applicant’s arguments filed 10 January 2005 have been fully considered but they are not persuasive.

Applicant's remarks (with respect to the rejection under 35 U.S.C. 112, first paragraph) on pages 6-7 of the response are noted. However, these remarks do not appear to address the assertion of the Examiner in the rejection that the specification does not provide an adequate written description of the first program including an instruction (i.e. the disclosed "call instruction") which changes a process of the CPU to a process of writing (in essence "rewriting" or "updating") the first program (using the second program) from outside the chip, which is one possible interpretation of the claim language in lines 19-23 of claim 31. Only writing of data (i.e. not the first program) based on the instruction in the first program is disclosed in the specification.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any response to this final action should be mailed to:

Art Unit: 2188

Box AF

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

All "OFFICIAL" patent application related correspondence transmitted by FAX must be directed to the central FAX number at **(703) 872-9306**:

"INFORMAL" or "DRAFT" FAX communications may be sent to the Examiner at **(571) 273-4204**, only after approval by the Examiner.

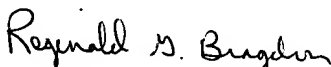
Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Fourth Floor (receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald G. Bragdon whose telephone number is (571) 272-4204. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 4:30 PM and every other Friday from 7:00 AM to 3:30 PM.

The examiner's supervisor, Mano Padmanabhan, can be reached at (571) 272-4210.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

RGB  
April 12, 2005

  
Reginald G. Bragdon  
Primary Patent Examiner  
Art Unit 2188